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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,929	11/06/2001	Yoshiteru Mifune	43890-554	4199

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EXAMINER

LAU, TUNG S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,929

Applicant(s)

MIFUNE ET AL.

Examiner

Tung S Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,10,16-19,21,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 6,8,11-15,20,22 and 25-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 16, 23, 2, 3, 4, 5, 7, 9, 10, 17, 18, 19, 21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schillaci et al. (U.S. Patent 5,703,929).

Regarding claim 1:

Schillaci discloses a portable information processor of remote diagnosis system for diagnosing by exchanging information with a support center system through a communication system comprising a communication unit for exchanging information with the support center system (abstract, fig. 1, unit 33), and a function unit housing for incorporating a detachable external unit (fig. 1, unit 10,14), 22), wherein when the external unit is an inspection unit for inspecting the inspection object (fig. 1, unit 14), the communication unit transmits at least one of the inspection data collected by the inspection unit and the analysis data obtained by analyzing the inspection data to the support center system (Col. 3-4, Lines 45-20) , and receives the diagnosis result based on at least the inspection data and analysis data from the support center system (Col. 4, Lines 21-67) .

Regarding claim 9:

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Schillaci discloses a support center system of remote diagnosis system for diagnosing by exchanging information with a portable information processor through a communication system comprising a communication unit for exchanging data with the portable information processor (abstract, fig. 1), and an inspection data diagnosis unit for diagnosing based on at least one of inspection data and analysis data received in the communication unit (fig. 1, unit 10, 14), wherein the diagnosis result of the inspection data diagnosis unit is returned to the portable information processor (fig. 1, unit 10, 14, Col. 3-4, Lines 45-7) .

Regarding claim 16:

Schillaci discloses a remote diagnosis method for diagnosing by exchanging information between a support center system and a portable information processor through a communication system (abstract) comprising the steps of installing an inspection unit for inspecting an object in a function unit housing of the portable information processor (fig. 1, unit 10, unit 14), transmitting at least one of the inspection data collected by the inspection unit and the analysis data obtained by analyzing the inspection data from the portable information processor to the support center system (Col. 3-4, Lines 45-33) , and returning the diagnosis result based on at least one of the inspection data and analysis data from the support center system to the portable information processor (Col. 4, Lines 34-67, fig. 4) .

Regarding claim 23:

Schillaci discloses a diagnosis method of support center system for remote

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diagnosis by exchanging information with a portable information processor through a communication system comprising the steps of diagnosing based on at least one of the inspection data and analysis data received from the portable information processor (abstract, Col. 3-4, Lines 45-47, fig. 1, 4) , and returning the result of diagnosis to the portable information processor (Col. 4, Lines 20-67).

Regarding claim 2, 3, 4, 5, 7, 9, 10, 17, 18, 19, 21 and 24:

Schillaci also discloses:

The portable information processor wherein the communication unit receives the data for inspecting the inspection object by the inspection unit from the support center system (fig. 1, unit 33, 10, 22, Col. 3-4, Lines 45-8).

The portable information processor wherein the inspection unit is a unit different in each object of inspection (Col. 3, Lines 25-34) .

The portable information processor wherein the inspection unit is a unit corresponding to plural objects of inspection (Col. 3-4, Lines 45-20) .

The portable information processor further comprising an input unit for receiving inspection data and analysis data from the inspection unit (fig. 1, unit 33, 22, 10, Col. 4, Lines 20-67).

The portable information processor wherein the communication unit transmits and receives information to and from the support center system by wireless means (fig. 1).

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A support center system of remote diagnosis system for diagnosing by exchanging information with a portable information processor through a communication system comprising a communication unit for exchanging data with the portable information processor, and an inspection data diagnosis unit for diagnosing based on at least one of inspection data and analysis data received in the communication unit, wherein the diagnosis result of the inspection data diagnosis unit is returned to the portable information processor (Col. 3-4, Lines 45-47, fig. 1) .

The support center system of remote diagnosis system wherein the communication unit transmits the data for inspecting the object to the portable information processor (Col. 3-4, Lines 25-20).

The remote diagnosis method wherein the inspection unit is a unit corresponding to plural objects of inspection (Col. 3, Lines 25-33).

Claim Objections

2. Claims 6, 8, 11, 12, 13, 14, 15, 20, 22, 25, 26, 27, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach the use of customer's credit information from any one of customer's credit

card, prepaid card, cash card, member card, internet settlement information, internet line, inspector's information, diagnosis job instruction, customer information, ordering repair parts, payment settlement, customer address information.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed 7-23-2003 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show the 'receives the diagnosis result based on ... data from the support center', Schillaci discloses 'receives the diagnosis result based on ... data from the support center' in Col. 3-4, Lines 28-33.

While the 'support center' claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. This means that the words of the claim must be given their plain meaning unless

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applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below)>; MSM Investments Co. v. Carolwood Corp., 259 F.3d 1335, 1339-40, 59 USPQ2d 1856, 1859-60 (Fed. Cir. 2001).

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317


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